

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TEZZIE DUNLAP,

Plaintiff,

v.

WILLIAM NICKLOW, *et al.*,

Defendants.

No. 3:19-CV-0658

(Judge Brann)

ORDER

APRIL 21, 2020

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Defendants' motion to dismiss the complaint (Doc. 15) is **GRANTED**.
2. Plaintiff's Eighth Amendment claims against Defendants William Nicklow, Thomas McGinley, Edward Baumbach, and Victor Mirarchi are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B).
3. Plaintiff's motion to compel discovery (Doc. 21) is **DISMISSED WITHOUT PREJUDICE** due to his failure to file a supporting brief as required by Pa. M.D. LR 7.5.
4. Plaintiff's second and third motions for appointment of counsel (Docs. 22 and 24) are **DENIED WITHOUT PREJUDICE**.
5. Defendants' motion to depose Plaintiff (Doc. 25) is **DENIED WITHOUT PREJUDICE**.

6. Plaintiff has twenty-one (21) days from the date of this Order to provide the Court with the name and information necessary to serve John Doe, Shift Commander.
7. Plaintiff's failure to provide the name of John Doe Shift Commander, or the necessary information to allow the United States Marshal to serve the defendant, will result in the dismissal of the claim against the John Doe defendant.
8. Plaintiff has twenty-one (21) days from the date of this Order to file an amended complaint.
9. The amended complaint shall bear the same case number presently assigned to this action, shall be labelled as the "Amended Complaint," and shall be direct, concise, and shall stand alone without any reference to any document filed in this matter. *See* Fed. R. Civ. P. 8(d).
10. Should Plaintiff fail to file a timely amended complaint, the Clerk of Court shall be directed to dismiss his complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and close the case.
11. The Clerk of Court shall forward to Plaintiff two (2) copies of this Court's prisoner civil-rights complaint form which Plaintiff shall use in preparing his amended complaint.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge